

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011088



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002-1004P	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2003/011088	International filing date (day/month/year) 07 October 2003 (07.10.2003)	Priority date (day/month/year) 07 October 2002 (07.10.2002)	
International Patent Classification (IPC) or national classification and IPC G03G 15/00			
Applicant OCÉ PRINTING SYSTEMS GMBH et al.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 07 May 2004 (07.05.2004)	Date of completion of this report 31 January 2005 (31.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-8 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* 1-11 received by this Authority on 25 November 2004 (25.11.2004)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/2-2/2 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following document:

D1: US 6 075 954

D1, which is considered to represent the prior art closest to the subject matter of claims 1 and 9, discloses (column 4, line 65 to column 8, line 36 and figures 1 and 6-9) a process (figures 1, 6 and 7) and a device (column 4, line 65 ff.) for controlling toner density in an electrographic image forming apparatus (figure 8), in which measurement of a patch triggers a signal according to which, if necessary, toner concentration is adjusted (figure 1, S12-S14) and in which a means (video count S2) is used which increases toner supply independently of measured toner concentration if a toner supply minimum value is undershot (figure 1, S7-S8).

The subject matter of claims 1 and 9 thus differs from the process and device known from D1 in that the supply of toner is increased by increasing the amount of toner passing from the developer station to the intermediate support. The subject matter of claims 1 and 9 is therefore novel (PCT Article 33(2)).

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The problem addressed by the present invention may therefore be considered that of ensuring a minimum level of toner throughput.

The solution proposed in claims 1 and 9 of the present application involves an inventive step (PCT Article 33(3)). The reasons are:

D1 does not suggest the solution applied in claims 1 and 9.

Claims 2-8 and 10-12 are dependent on claims 1 and 9, respectively, and therefore likewise meet the PCT requirements for novelty and independent step.

Additional observations on the international application

1. Claim 11 should relate to claims 1-8, since claim 9 is a device claim.
2. Pursuant to PCT Rule 5.1(a)(ii), the description should have cited D1 and briefly outlined the relevant prior art contained therein.